



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: DEX'S VENTURES INC
D/B/A DEX'S LOGGERS LANDING
206 STATE ST
LUTHER, MI 49656

HEARING: DECEMBER 18, 2020
PLACE: ZOOM PLATFORM
COMPLAINT NO. CV-508829
BUSINESS ID NO. 259446

LAKE COUNTY

CLASSC SDM SS (AM & PM)
DANCE OD-SERV-1

CHARGES – THE LICENSEE OR THE LICENSEE'S AGENT, CLERK OR EMPLOYEE:

- (1) On December 4, 2020, Dex's Ventures, Inc., and/or employees of the licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing indoor gatherings at a food service establishment, contrary to sections 2(a)(2) and 3(b)(1) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated November 15, 2020.
- (2) On December 4, 2020, Dex's Ventures, Inc., and/or employees of the licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings at the licensed premises without requiring them to wear face masks, contrary to section 7(c) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated November 15, 2020.

PROCEDURAL HISTORY

On December 18, 2020, a hearing was held virtually on the zoom platform in the above-entitled case before a duly authorized agent of the Commission, Administrative Law Judge Michael J. St. John.

Petitioner, Michigan Liquor Control Commission (Petitioner, Commission, or MLCC), was represented by Daniel Felder, Assistant Attorney General. The Respondent Licensee (Respondent or Licensee) was represented by their owner, Todd Dexterhouse.

EXHIBIT

The Petitioner offered the following exhibit which was admitted without objection:

1. Commission File

Respondent did not offer any exhibits.

FINDINGS OF FACT

Based on the testimony presented and the exhibit admitted at the hearing, the following facts are found:

1. On December 4, 2020, the Licensee allowed indoor dining and had at least one patron and one staff member not wearing masks in violation of the November 15, 2020 DHHS Emergency Order.
2. The Licensee has closed to indoor dining (and all dining) and committed to following all executive orders and extensions.
3. Licensee acknowledged each of the two violations and agreed that a \$300 fine for each violation for a total fine of \$600 and a seven day suspension, until December 26, 2020, was appropriate.

CONCLUSIONS OF LAW

The facts of this case are not disputed, and the Licensee acknowledged the charges. The Licensee allowed indoor dining to occur on December 4, 2020 and the Commission therefore established each of the charges by a preponderance of the evidence. The Licensee no longer allows this conduct to occur in the licensed establishment.

ORDER

With the issuance of this Order, the summary suspension is dissolved.

In determining penalty, the Administrative Law Judge considered the Licensee's total record, which shows one previous violation (a May 14, 2019 violation for purchasing more alcohol than allowed from a non-distributor for three months) since being licensed on June 21, 2018 at the above-named location under the current ownership. The Administrative Law Judge also considers the Licensee's acknowledgement of the mistake made and the corrective actions taken to prevent future instances of indoor dining and staff not wearing masks.

In consideration of the mitigating circumstances, as a penalty, the Administrative Law Judge Orders a \$300 fine for each of the two counts for a total fine of \$600 and a seven day suspension of the license or until 7:00 a.m. on December 26, 2020, whichever comes first.

Further, if the fine is not paid within forty-five (45) days from the mailing date of this Order, the Administrative Law Judge Orders that a suspension of thirty (30) continuous days, with this suspension to run consecutively and not concurrently with any other suspension Ordered by the Commission.

The Licensee is warned that further fines, suspensions, or a revocation of the Licensee's liquor license could result if the Licensee resumes operation in violation of the law or violates the Order of the Commission.

MICHIGAN LIQUOR CONTROL COMMISSION



Michael J. St. John, Administrative Law Judge

Date Signed: December 18, 2020

Date Mailed: _____

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MJSJ: CV-508829/ALjw